

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

MARTHA F. BURRELL D/B/A SEÑORA MARTHA HOME CHILD CARE, SP 2014-BR-140 Appl. under Sect(s). 8-305 and 3-303 of the Zoning Ordinance to permit a home child care facility. Located at 6161 Lucas Pond Ct., Burke, 22015, on approx. 9,072 sq. ft. of land zoned R-3. Braddock District. Tax Map 78-3 ((20)) 12. Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 4, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 9,072 sq. ft.
4. Staff has recommended approval, and the Board adopts their recommendation.
5. The applicant has, for the record, acknowledged approval of the development conditions contained within the staff report with the additions that were noted in the hearing, specifically the riser and securing approval of the deck.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Martha F. Burrell, Senora Martha Home Child Care, and is not transferable without further action of the Board, and is for the location indicated on the application, 6161 Lucas Pond Court, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "Plat Showing House Location on Lot 12," as revised by Walter Ivan Burrell through February 6, 2015, and approved with this application, as qualified by these development conditions.

3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care facility shall be limited to 7:00 a.m. to 5:45 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed 12.
7. A maximum of two non-resident employees, whether paid or not for their services, may be involved in the home child care facility from 7:00 a.m. to 5:45 p.m.
8. All pick-up and drop-off of children shall take place within the driveway.
9. Any portions of the dwelling associated with the home child care facility that is used as a children's sleeping area shall be located in a room with proper emergency egress as defined by the Virginia Uniform Statewide Building Code.
10. There shall be no signage associated with the home child care facility.
11. Within 12 months from the date of this hearing, the front steps to the dwelling shall be altered so that no riser exceeds 8.25 inches in height.
12. A minimum of 36 inches of clearance shall be maintained around the furnace and water heater.
13. No vehicles associated with the home child care use shall be parked within 20 feet from the intersection of Burke Lake Road and Lucas Pond Court.
14. Parents shall receive written notice from and provide written agreement to the applicant with respect to parking, drop-off, and pick-up policies, consistent with these conditions. The applicant shall maintain these agreements with the parents and make them available at the request of Fairfax County.
15. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.

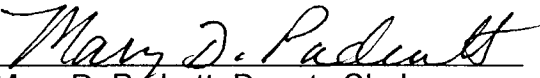
16. The deck shall not be used in any way for the home child care use, including but not limited to use as a play area or for access to the rear yard, until approval of the final inspection to be obtained within 12 months of approval.
17. Within 12 months of approval, the applicant shall by administrative determination, vested rights determination, or by some other method clear up the question about the front yard setback on the right hand side of the property.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 12 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 5-0. Mr. Ribble was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:


Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals